

REMARKS

Claims 1-17 and 19-21 are pending. The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. The title is also amended to correct an informality not related to patentability.

Another Form PTO-1449 listing the Int'l Search Report, Int'l Preliminary Examination Report, and the documents cited in the search report (n.b. these documents were previously submitted as acknowledged in the Notification of Missing Requirements) will be submitted to consolidate the information submitted for the Examiner's consideration. Newly listed documents are U.S. patents and a published application that corresponds to the documents cited in the Int'l Search Report.

35 U.S.C. 103 – Nonobviousness

Claims 1 and 4-12 were rejected under Section 103(a) as allegedly unpatentable over Belley et al. (U.S. Patent 6,020,343). Applicants traverse because they adopt the Examiner's suggestion on page 5 of the Action to delete D by amending claim 1.

The '343 patent is directed to compounds which are COX-2 inhibitors. But there is no teaching or suggestion that R₁ is an alkyl sufoximine group as required by the pharmacophore used by Applicants. Moreover, claims depending from independent claim 1 are also not made obvious by the cited document because the limitations of claim 1 are incorporated in the dependent claims. M.P.E.P. § 2143.03 citing *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988).

Withdrawal of the Section 103 rejection is requested because the claimed invention would not have been obvious to the ordinarily skilled artisan at the time Applicants made their invention.

35 U.S.C. 112 – Definiteness

Claim 2 was rejected under Section 112, second paragraph, as being allegedly "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Applicants traverse because amendments to claim

2 clarify the subject matter being claimed. Dependent claim 2 further limits the substituents on R_3 and R_4 ; dependent claim 3 further limits the substituents on X_1 , X_2 , X_3 , and X_4 . It is submitted that sufficient antecedent basis exists.

Applicants request withdrawal of the Section 112, second paragraph, rejection because the pending claims are clear and definite.

35 U.S.C. 112 – Enablement

Claims 9, 11 and 17 were rejected as allegedly not enabled for the treatment of inflammatory-associated disorders. Applicants traverse because “pain” as an example of such disorders is clearly enabled by their specification at page 4, line 14, et seq.

Claim 1 was rejected as allegedly not enabled for analogs, derivatives, or solvates thereof. Applicants traverse because they adopt the Examiner's suggestion on page 12 of the Action to delete analogs, derivatives, and solvates by amending claim 1.

Withdrawal of the enablement rejections is requested because undue experimentation for a person of skill in the art to make and use the claimed invention.

Claim Objections

Claim 3, 13-16 and 19-21 were objected to as being dependent upon a rejected base claim 1, but they were admitted to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

Initially, it is noted that claim 19 is an independent claim. Claims 20-21 depend from claim 19. Therefore, claims 19-21 should have been indicated as allowed in the Action. Claim 21 is amended to correct obvious typographical errors. The phrase “all other symbols are as defined earlier” is canceled because it is redundant.

Withdrawal of the claim objections is requested.

Conclusion

Having fully responded to all of the pending objections and rejections contained in this Office Action, Applicants submit that the claims are in condition for allowance and


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earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Gary R. Tanigawa
Reg. No. 43,180

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100